

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In Re Vaso Active Pharmaceuticals
Securities Litigation

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)
) Civil Action No. 04-10708-RCL
)

**MOTION OF VASO ACTIVE PLAINTIFF GROUP FOR APPOINTMENT AS LEAD
PLAINTIFFS AND APPROVAL OF SELECTION OF LEAD COUNSEL**

PLEASE TAKE NOTICE THAT class members Modhi Gude, Arji Gauthami, Scott Brook, Shel T. Diamond and Joyendu Mukherjee (“Vaso Active Plaintiff Group” or “Movants”), by their counsel, hereby will move this Court at a date and time to be determined by the Court, under §21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. §78u-4(a)(3)(B), for an Order (i) appointing Movants as Lead Plaintiffs; (ii) approving Movants’ selection of the law firm of Scott + Scott, LLC (“Scott + Scott”) to serve as Lead Counsel and Gilman and Pastor, LLP to serve as Liaison Counsel; (iii) consolidating all related securities class actions; and (iv) granting such other and further relief as the Court may deem just and proper.

This Motion is made on the grounds that Movants are the most adequate plaintiffs under the Private Securities Litigation Reform Act (“PSLRA”), having suffered financial losses in excess of \$247,000 as a result of Defendants’ false and misleading statements to the market between December 11, 2003 and March 31, 2004, inclusive (the “Class Period”). In addition, Movants meet the requirements of Federal Rule of Civil Procedure 23 because their claims are typical of class members’ claims and because they will fairly and adequately represent the class. Further, Movants have selected and retained a national law firm with substantial experience in

prosecuting complex and class actions, including securities fraud actions, to serve as counsel for the class.

In support of this Motion, Movants submit a Memorandum of Law, the Declaration of David Pastor, a Proposed Order, the pleadings and files herein and other written or oral argument as may be presented to the Court.

DATED: June 7, 2004

Respectfully submitted:

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